

Sentencing Commission

Public Hearing

Thursday, November 29, 2012

Written Testimony of Brian O'Shaughnessy in support of:

- A proposal concerning a Certificates of Rehabilitation program aimed at reducing barriers faced by individuals with convictions.

Introduction

My name is Brian O'Shaughnessy. I am a Board Member of the Coalition for Criminal Justice Reform ("CCJR") and a principal in the firm Community Impact Strategies Ltd. ("CIS"). I am here to testify in support of the proposal to create a Certificates of Rehabilitation program that supports the reintegration into the community of citizens with a criminal history.

CCJR and CIS

CCJR is a grass roots organization founded in late 2010. We are a loosely organized group of Connecticut citizens consisting of professionals, reentry service providers, prison volunteers, academics, the formerly incarcerated and their families. We readily acknowledge the need for intelligent law enforcement that protects us and incarcerates the truly dangerous. Many members are especially concerned with supporting the formerly incarcerated in the struggle to gain the skills, confidence and self-respect necessary to reintegrate into society.

Through the relationships I established with CCJR, I became a member of a team that sought to bring a social impact bond program to Connecticut. This program seeks to fund a comprehensive life skills and jobs-based reentry program with the distinct goal of reducing recidivism. This project has served as the impetus for founding CIS and the foundation for my involvement in other projects that seek to meld and coordinate the resources of the public and private sector to more effectively deliver social services. The mission of CIS is to maximize the effectiveness of investments in our most challenged communities by facilitating and coordinating cooperation between the public and private sector.

The Certificates of Rehabilitation program is such a program because it creates a procedure whereby the state – in the form of probation, the Superior Court, and the Board of Pardons and Parole reaches out to the private sector and communicates that certain individuals are fully rehabilitated and should be deemed qualified for a variety of employment.

As our national rates of incarceration have increased approximately 700% over the past 40 years, there is deep interest on the part of policy makers, social investors and service providers to transform the reentry process into the vehicle through which rehabilitation and reintegration mesh and the formerly incarcerated become productive tax-paying citizens. The reentry process can serve as the vehicle that transforms the lives of individuals and the fabric of entire communities; but it will not just happen. It will require affirmative state initiatives to combat the impact of 40 years of dramatically increasing rates of incarceration. Across the country,

states prohibit former offenders from working in scores of professions. A new American Bar Association study funded by the National Institute of Justice counted approximately 38,000 statutes that impose negative consequences on people convicted of crimes.

National Movements and Research

There is a growing body of research that directly connects our nation's extremely high rates of incarceration to imbedded levels of poverty that are proving immune to economic upswings. In Connecticut, we should be aware of this research because our state has extreme disparities in income and academic achievement, as well as the fastest growing poverty rates in the country. The reentry of our formerly incarcerated citizens is an economic event that deeply impacts our poorest communities. Well over 50% of the formerly incarcerated citizens of Connecticut return to communities that contain the over-whelming majority of the families living in poverty.

On a larger economic policy note, effective reentry is an event that has a very positive effect on the revenues of a state that -- once again -- is facing a significant budget deficit. Successful reentry means an individual transforms the intensely revenue negative event of incarceration into an event that is revenue positive for the state. A productive formerly incarcerated citizen pays taxes, supports his family and -- research has proven and common sense dictates -- is substantially less likely to recidivate.

The most recent OPM recidivism study is the latest testament to the fact that the manner in which we arrest, incarcerate and reenter the formerly incarcerated does not reduce crime. 80% of those incarcerated are rearrested within 5 years of discharge and over 50% return to prison. The largest offense for which citizens of Connecticut are incarcerated is violation of the supervisory status of probation or parole. It is a very convincing argument that incarceration is actually increasing the rate of incarceration, especially in light of the lowest crime rates that our state has experienced in 45 years.

Nationally, there is a growing bi-partisan belief that an over-reliance on incarceration has made our poorest communities less safe. Progressive academics such as Bruce Western from Harvard, Todd Clear from Rutgers, Jeremy Travis from John Jay and William DeFina from Villanova directly tie poverty and high crime rates in poor communities to mass incarceration.

On the other side of the isle, conservative thought leaders believe that over-incarceration destabilizes communities and increases crime. Conservatives have established the national organization Right On Crime to advocate for more community based methods for fighting crime that include jobs training and alternatives to incarceration, methods that reduce crime and save taxpayers money in the long run.

All of this information leads to the same conclusion: if we facilitate and support the reentry of the formerly incarcerated, we have less crime and save money. The Certificates of Rehabilitation program is a step in the right direction and should be supported.

Thank you.